

# Yuma County Attorney's Office Bad Check Program



Provided by  
Yuma County Attorney  
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For Information, Please Call  
(928) 817-4300

## YUMA COUNTY ATTORNEY'S OFFICE BAD CHECK ENFORCEMENT PROGRAM

The Yuma County Bad Check Program is a service provided to all merchants and citizens of Yuma County **FREE OF CHARGE**.

1. Upon receipt of a notice from a bank or other financial institution that a check has been dishonored, the merchant or citizen should make every effort to collect the dishonored check by following the steps covered in this handbook.
2. Arizona Revised Statute 13-1808 (D) requires written notice of a dishonored check **be delivered to the check writer by certified or registered mail return receipt requested or by regular mail that is supported by a notarized affidavit of service by mailing**. The check writer has twelve (12) days (not including weekends and holidays) from the date that notice is mailed to pay the total amount due including all reasonable costs. You may submit the dishonored check to the Bad Check Program (Program) at the conclusion of the twelve (12) day waiting period if payment in full has not been received.
3. To begin the formal collection process the merchant or citizen must complete the "Request for Assistance," form and return it to:

The Yuma County Attorney's Office  
ATTN: Bad Check Program  
250 W. 2<sup>nd</sup> Street, Ste. G  
Yuma, AZ 85364

4. In addition to the "Request For Assistance" the merchant or citizen must provide the Program with the following items:
  - A. The **ORIGINAL DISHONORED CHECK** or bank certified copy of the dishonored check, attached by paperclip, **not** stapled or taped, to the top front of the "Request" form. The check must be stamped by the bank with the reason for dishonor (i.e. "NSF", "Closed Account", etc.).
  - B. A copy of the certified receipt if the "Notice of Dishonored Check" was sent by certified mail OR a signed and notarized affidavit for each dishonored check if the "Notice of Dishonored Check" was sent by regular mail.
  - C. Please keep original receipt(s) such as copies of bank notices or other documents that memorialize charges you incurred as a result of your acceptance of the dishonored check. Be prepared to provide these receipts if needed for Court proceedings.
  - D. A copy of the "Notice of Dishonored Check" or other document that was sent to the check writer giving notice that their check was dishonored by the bank or other financial institution.

5. The following checks **WILL NOT** be accepted into the Program:
- A. Two-party checks.
  - B. Out-of-State checks, unless pre-approved by the Program Coordinator. Please call before submitting.
  - C. Checks written and/or passed outside Yuma County.
  - D. Checks received by mail, unless approved by the Program Coordinator.
  - E. Checks received by common carrier upon delivery of shipment.
  - F. Checks more than 90 days old as determined by the date on the face of the check.
  - G. Checks not presented to the bank for payment within 30 days of the date written on the face of the check.
  - H. Checks which have had a "Stop Payment" ordered.
  - I. Checks without proper identification information.
  - J. Checks stamped "Forged", "Counterfeit" or "Lost/Stolen."
  - K. Checks containing dual signatures.
  - L. Checks that are illegible or obviously altered in any respect.
  - M. Checks written as future payment or guarantee for a personal loan. **These include post dated** checks signed by the check writer and held by the payee until their maturity date.
  - N. Checks written on an Indian Reservation to a tribal member or entity.
  - O. Single checks greater than \$5,000.00 or less than \$10.00. *\*\*Checks written in excess of \$5,000.00 should be referred to the law enforcement agency having jurisdiction for the investigation of theft or similar offenses.*

6. Policies/Procedures

We require all merchants and individuals alike to take proper identification and to record the identification number on the check received from the check writer. Proper forms of

identification include an Arizona Driver's License, an Arizona Identification Card issued by the Arizona Motor Vehicle Division, a Military Identification Card, or a valid Bank Card. If possible, the check writer's date of birth should also be taken. The employee/person accepting the check should do a signature and photo comparison with the subject passing the check to make certain they are one in the same.

- A. If the Program Coordinator determines that a check is not collectable or collection should be pursued in another venue, it will be returned to the merchant or citizen for other possible recourse.
  - B. If policies and procedures are not followed according to guidelines 1 through 5 as provided in this handbook, the check may be returned to the merchant or citizen.
- 7. When a check is accepted into the program, the Coordinator will follow procedures established by law for collection. This process may include criminal prosecution by the County Attorney, if the maker of the check does not voluntarily comply with collection efforts. The collection process may take several months if the maker can not be readily located, if prosecution becomes necessary or if an arrest warrant is issued.
  - 8. Should the check writer attempt to make restitution directly to the merchant or citizen **after the check has been accepted into the program**, the merchant or individual must **REFUSE** payment and refer the check writer to the Program Coordinator. *If the merchant or individual chooses to accept restitution directly, the result will be the refusal of acceptance of any further checks from that merchant or citizen into the program.*
  - 9. No one from The County Attorney's Office will appear on your behalf in any bankruptcy proceeding nor will we prepare any bankruptcy paperwork for you. If the Program receives notice that the check writer has filed for bankruptcy, you will not be notified of this by the Program. *It is your responsibility to file proof of your claim with the bankruptcy court. You must immediately notify the bankruptcy court that all further bankruptcy notices should be sent to you. The Program will not forward copies of bankruptcy notices and pleadings.*
  - 10. The Program will send a notice to the check writer, allowing him/her twenty (20) days to resolve the matter. If the check writer has not contacted our office following the twenty (20) day waiting period and program staff was unable to make contact by telephone, the Program Coordinator may choose to send a second certified letter to establish proof of receipt. If within ten (10) days from the date of the second letter the check writer has not contacted our office, criminal prosecution may be started.
  - 11. The Program will attempt to collect the face value of the check, but does not arbitrarily attach collection costs on behalf of the merchant or individual. If you are seeking collection costs, you must include these in the "Request For Assistance" form. These costs must be **reasonable\*** and may include costs such as certified mailing costs, notary fees etc.

**\* Collection costs in excess of \$25.00 must be accompanied by a written explanation of the requested costs. If your case goes to trial for resolution, you and only you will be responsible for justifying all additional charges applied to the face value of the check.**

12. Any funds collected through the Program on your behalf will be sent to you on a draft prepared by the Yuma County Treasurer's Office. The Treasurer's Office typically mails collected funds once or twice monthly. All funds collected on your behalf as the result of Court ordered restitution will be sent to you as they become available as directed by the Court's order.
13. Due to the number of cases we handle, you must call the Program staff if you want to be updated on the progress of your case. We will not call you unless there is something we need in order to further pursue collection.
14. An opened case file will be closed and the original check returned if for any reason it is determined by the Program Coordinator that the case can not be prosecuted or the check can not be collected. A case will not be opened and the original check will be returned if the check meets any of the circumstances described in section 5A thru 5O.
15. Once a check has been accepted into the program, it is the responsibility of the person submitting the request to make himself/herself and, if applicable, the person who accepted the check available for court if necessary. Refusal to attend any court hearing when required may result in the dismissal of the case and the rejection of any further requests for assistance.

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***ANY QUESTIONS SHOULD BE DIRECTED TO THE  
BAD CHECK COORDINATOR AT (928) 817-4300***  
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